

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 159.5(10) and 175B.5, the Department of Agriculture and Land Stewardship hereby gives Notice of Intended Action to amend Chapter 50, “Women, Infants, and Children/Farmers’ Market Nutrition Program and Senior Farmers’ Market Nutrition Program,” Iowa Administrative Code.

The proposed amendments make technical changes and update references. Computerization has resulted in the replacement of the certified vendor identification card with an electronic authorization letter and with the issuance of an e-mail confirmation of certification as an alternative to the department-vendor agreement.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 3, 2016. Written comments should be addressed to Margaret Thomson, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. Comments may be submitted by fax to (515)725-1036 or by e-mail to Margaret.Thomson@IowaAgriculture.gov.

The proposed amendments are subject to the Department’s general waiver provision.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 159 and 175B.

The following amendments are proposed.

ITEM 1. Amend rules **21—50.1(159)** to **21—50.14(159)**, parenthetical implementation statute, as follows:

(159,175B)

ITEM 2. Amend rule 21—50.1(159,175B) as follows:

21—50.1(159,175B) Authority and scope. This chapter establishes procedures to govern the administration of a farmers’ market special supplemental food program by the department of agriculture and land stewardship for implementing the applicable agreement and guidelines set forth by the United States Department of Agriculture, Food and Nutrition Service Agreement, in accordance with ~~2007 Iowa Acts, House File 846~~ Code chapter 175B.

Information may be obtained by contacting the ~~Horticulture and Farmers’~~ Agricultural Diversification and Market Development Bureau, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319, telephone (515)281-5321.

ITEM 3. Rescind the definition of “Certified vendor identification card” in rule **21—50.3(159,175B)**.

ITEM 4. Amend subrule 50.9(1) as follows:

50.9(1) Vendor certification shall not be in effect and vouchers shall not be accepted until the applicant receives ~~a certified vendor identification card~~, a certified vendor identification sign, a certified vendor stamp, ~~a copy of the vendor application form~~, and either e-mail confirmation of certification or the applicant copy of the department-vendor agreement ~~signed by both parties~~.

ITEM 5. Amend rule 21—50.10(159,175B) as follows:

21—50.10(159,175B) Certified vendor obligations. A certified vendor shall be responsible for, but not limited to, all of the following:

1. to 13. No change.

14. Immediately informing the department in the event of loss, destruction, or theft of the ~~certified vendor identification card~~, certified vendor identification sign, or certified vendor stamp so that a replacement may be issued.

15. to 21. No change.

ITEM 6. Amend subrules 50.11(5) and 50.11(6) as follows:

50.11(5) Suspension. Suspension of a certified vendor from participation in FMNP/SFMNP shall remain in effect for the balance of the current year and the following year. During the suspension period, the cited vendor shall refrain from participating in FMNP/SFMNP. The department shall have the right to reimbursement from the vendor of an amount equal in value to vouchers deposited after the official date of the suspension notification. The suspended vendor is required to return the certified vendor identification sign(s), ~~certified vendor identification card~~, and certified vendor stamp to the department within 15 days of receipt of the suspension notice. At the conclusion of a suspension period, the vendor must reapply for and receive certification in order to resume participation in FMNP/SFMNP.

50.11(6) Disqualification. Disqualification shall be without reinstatement. The disqualified vendor is required to return the certified vendor identification sign(s), ~~certified vendor card~~, and certified vendor stamp to the department within 15 days of receipt of the disqualification notice. In the event of a disqualification, the department shall have the right to reimbursement from the vendor of an amount equal in value to vouchers deposited after the official date of disqualification notification.

ITEM 7. Amend **21—Chapter 50**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~chapter~~ chapters 159 and 175B.